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DEC 17 1996

Federal Communications Commission  
Office of Secretary

December 17, 1996

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Room 222  
Washington, D.C. 20554

Dear Mr. Caton:

Enclosed, on behalf of Tennessee Valley Radio, Inc., are an original and four copies of its Supplement to Petition for Rule Making. The Petition for Rule Making was filed with the Commission on October 3, 1996.

Should there be any questions in connection with this transmittal, please do not hesitate to contact the undersigned or Jocelyn R. Roy at (202) 408-7139.

Sincerely,



M. Scott Johnson

Enclosure

cc: Robert Hayne (via hand delivery)  
Pamela Blumenthal (via hand delivery)

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**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

DEC 17 1996

**Federal Communications Commission  
Office of Secretary**

**In the Matter of**

## Amendment of Section 73.202(b) (Table of Allotments) FM Broadcast Stations

**MM Docket No.** \_\_\_\_\_  
**RM-**\_\_\_\_\_

## Tullahoma, Tennessee and Madison, Alabama

**To: Chief, Mass Media Bureau**

## SUPPLEMENT TO PETITION FOR RULE MAKING

Tennessee Valley Radio, Inc. (“TVRI”), licensee of radio station WPZM(FM),  
Tullahoma, Tennessee, by its attorneys, hereby submits this Supplement to its October 3, 1996  
Petition for Rule Making (“Petition”). The Petition requested that the Federal Communications  
Commission (“FCC” or “Commission”), amend Section 73.202 (b) of its Rules to: (a) delete  
Channel 227C1 from Tullahoma, Tennessee, add Channel 227C1 to Madison, Alabama; and (b)  
modify the license for WPZM(FM) to specify Madison, Alabama as the station’s community of  
license. This Supplement is submitted to request a waiver of Section 73.207 of the  
Commission’s Rules, with regard to TVRI’s October 3 , 1996, Petition.<sup>1/</sup> In support whereof, the  
following is shown:

<sup>17</sup> In addition, as noted in TVRI's Petition, a Class A FM Channel 296 was available for allotment to Tullahoma. In this respect, since the filing of its Petition, a Notice of Proposed Rule Making ("Notice") was issued requesting comment on the allotment of Channel 296A to Tullahoma, Tennessee. *In the Matter of Amendment of Sections 73.202(b), Table of Allotments, FM Broadcast Stations, (Tullahoma, Tennessee)*, MM Docket No. 96-123, RM 8875 (released October 18, 1996). TVRI submitted comments in support of the proposal.

### ***Request for Waiver of Section 73.207***

1. Section 73.207 of the Commission's rules sets forth the minimum distance separation requirements for FM allotments. As is apparent from TVRI's October 3, 1996 engineering statement filed with the Petition, WPZM's facility as currently licensed is short-spaced. Moreover, TVRI does not propose to move the WPZM transmitter site from its currently licensed location or to create new short-spacing, rather TVRI only seeks a reallotment to specify a new city of license. Nevertheless, to the extent the Commission must consider the minimum distance separation requirements when making a reallotment involving solely a change in city of license, a waiver of Section 73.207 is warranted.

2. Grant of a waiver of Section 73.207 of the Commission's Rules is in the public interest. The Commission has held that waivers of the strict application of Section 73.207 may be granted:

"provided that no new short spacings are created, no existing short spacings are exacerbated, and the potential for interference between the currently short-spaced stations is not increased."<sup>2/</sup>

TVRI meets all of the criteria for waiver. TVRI does not purpose to change the WPZM transmitter location or any aspect of its technical operation; therefore, it will not be "creating" any new short spacings, nor will it exacerbate existing short spacings or increase the potential for interference among existing short-spaced stations. Accordingly, waiver of Section 73.207 is appropriate.

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<sup>2/</sup> *In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, (Newnan and Peachtree City, Georgia), MM Docket No. 90-138. RM 7040, 7 FCC Rcd. 6307 (1992).*

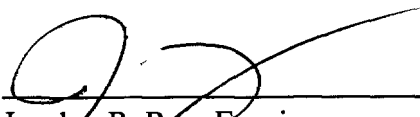
3. Finally, it is apparent that no alternative site is available for WPZM which would eliminate the existing short-spacing without creating new short-spacing. Attached hereto as Exhibit A is an engineering statement of Sisk Engineering, Inc., TVRI's engineer, confirming the lack of availability of such an alternative site.

For the foregoing reasons, TVRI has demonstrated good cause that a waiver of Section 73.207 of the Commission's Rules is in the public interest and should be granted. Accordingly the Commission is respectfully requested to (a) issue a notice of proposed rule making to reallocate Channel 227C1 from Tullahoma, TN, to Madison, AL, and (b) issue appropriate show cause orders to modify the license of station WPZM(FM).

Respectfully submitted,

**TENNESSEE VALLEY RADIO, INC.**

By:   
M. Scott Johnson, Esquire

By:   
Jocelyn R. Roy, Esquire

Its Attorneys

Gardner, Carton & Douglas  
1301 K Street, N.W.  
Suite 900  
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Washington, DC 20005  
(202) 408-7100

Date: December 17, 1996


**ENGINEERING STATEMENT  
OF  
SISK ENGINEERING, INC.**

**Sisk Engineering, Inc.****TECHNICAL STATEMENT OF OLVIE E. SISK**

We have reviewed the current location of WPZM Radio and find there is no location where WPZM's transmitter site could be located that would meet the spacing requirements of 73.207. We believe this came about for the following reasons:

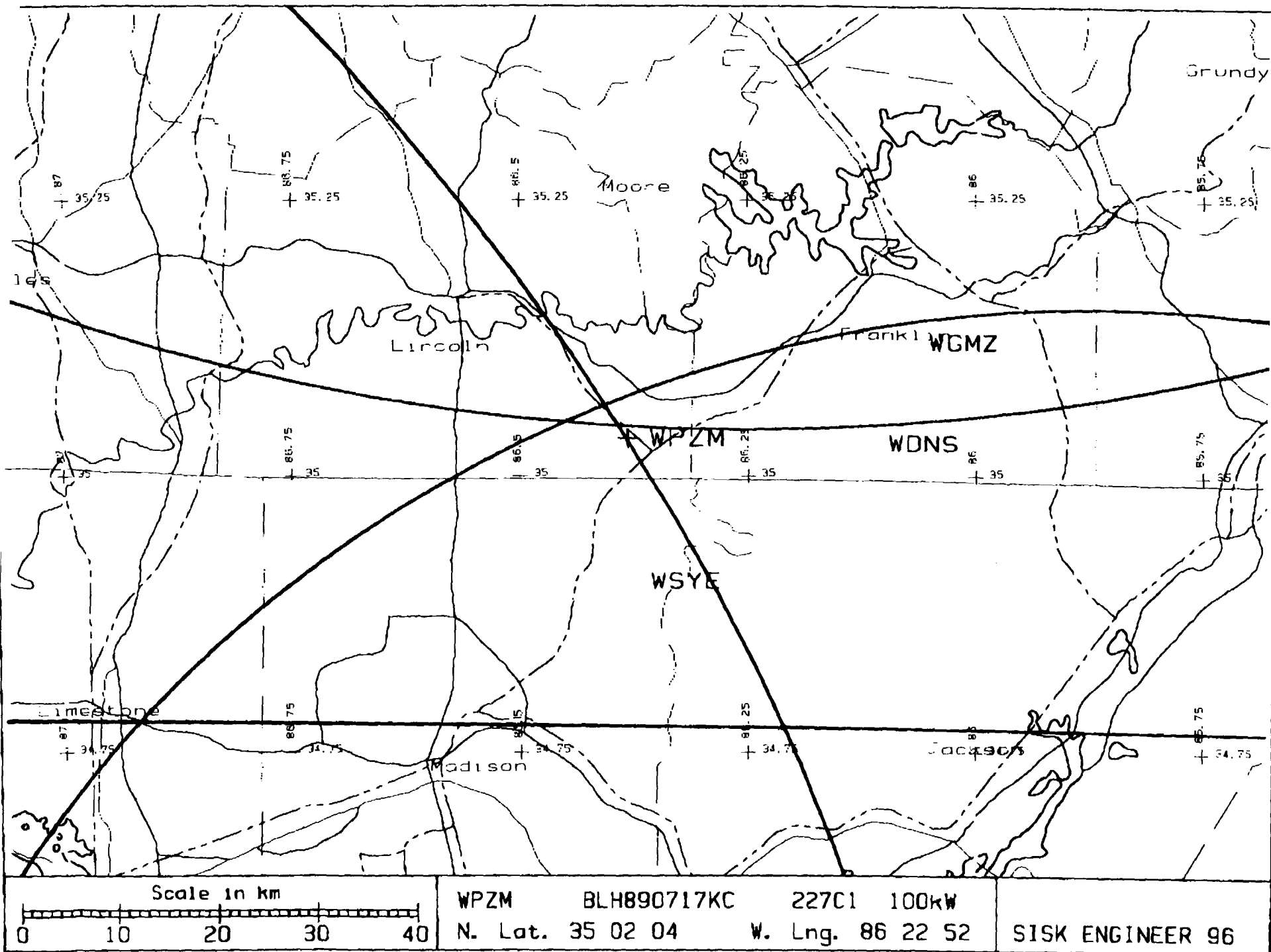
- When WPZM moved to its present location, they met all the requirements of 73.207
- The FCC granted an application for WGMZ in Glencoe, Alabama, which is 4.03 km short spaced to WPZM.
- The application met the requirements of 73.215 due to terrain factors in the area.
- WDNS in Bowling Green, Kentucky, upgraded to a C-3 which clears WPZM by 1.21 km.
- WPZM is also restricted by WSYE in Houston, Mississippi.

One map attached to this statement verifies there is no site where WPZM could locate that would meet the requirements of 73.207.



Olvie E. Sisk  
Sisk Engineering Inc.  
December 12, 1996

TECHNICAL ATTACHMENT



## TECHNICAL ATTACHMENT #2

GENE SISK - SISK ENGINEERING  
 HWY. 25 S. - RADIO BUILDING - FULTON MS 38843

REFERENCE							DISPLAY DATES		
35 02 04 N							CLASS C1	DATA	09-03-96
86 22 52 W							Current rules spacings	SEARCH	12-12-96
----- CHANNEL 227 - 93.3 MHz -----									
CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)		
WPZM	227C1	Tullahoma	TN	0.0	0.00	245.0	-245.00 *		
LI CN	35 02 04	86 22 52	100.000 kW	299M	0.0	152.3			
Tennessee Valley Radio, Inc.					BLH890717KC				
WGMZ	226A	Glencoe	AL	158.3	128.97	133.0	-4.03 *		
LI ZCN	33 57 16	85 51 40	1.650 kW	189M	80.2	82.7			
Appalachian Broadcasting Comp					BLH931027KA				
WSYE	227C	Houston	MS	238.2	270.11	270.0	0.11 <		
LI CN	33 45 06	88 52 40	100.000 kW	550M	167.9	167.8			
WCPC Broadcasting Company, In					BLH901017KB				
WCRQFM	224A	Arab	AL	184.1	76.03	75.0	1.03 <		
CP CN	34 21 03	86 26 25	0.700 kW	205M	47.3	46.6			
WCRQ, Inc.					BPH920324JP 921113				
WCRQFM	224A	Arab	AL	184.1	76.03	75.0	1.03 <		
CP CN	34 21 03	86 26 25	0.800 kW	190M	47.3	46.6			
WCRQ, Inc.					BPH920730IF 941012				
WCRQFM	224A	Arab	AL	184.0	76.08	75.0	1.08 <		
LI CN	34 21 01	86 26 22	2.250 kW	107M	47.3	46.6			
WCRQ, Inc.					BLH791012AD				
WDNS.C	227C3	Bowling Green	KY	3.1	212.21	211.0	1.21 <		
CP CN	36 56 39	86 15 11	12.000 kW	144M	131.9	131.1			
Daily News Broadcasting Compa					BPH960402IB 980212				
>One-step application from 227A									